

OFFICE OF SHERIFF

What is the difference between Sheriff's Department and Sheriff's Office, and why should it matter?

To answer the first part of the question, we can turn to Black's Law Dictionary which defines the terms as follows:

DEPARTMENT: "One of the major divisions of the executive branch of the government.... generally, a branch or division of governmental administration."

OFFICE: "A right, and correspondent duty, to exercise public trust. A public charge of employment... the most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government, and when this is the connection, public office is a usual and more discriminating expression... in the constitutional sense, the term implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws."

Clearly, the Office of Sheriff is not simply another department of county government. Its internal operations are the sole responsibility of the Sheriff. County department heads are subordinate to a county governing body, because they are truly only a division of county government.

The Office of Sheriff, on the other hand, is a constitutional office having exclusive powers and authority. These powers are not subject to the dictates of a county governing body. The powers of this Office have been exercised for over a hundred years.

A Sheriff's Office, then is fundamentally different from a county department which derives its limited authority from whatever is delegated to it. The delegation is made by those individuals who hold an elected position, or Office, in the governing body.

The use of department substitutes a term meaning a subordinate unit of government, rather than using a term that unmistakably signifies its inherent powers and sovereignty.

This then, is why it matters!

Submitted By the Sheriffs' Association of Texas

Conservator of the Peace

Art. 2.17. [41] [48] [49]

Each sheriff shall be a conservator of the peace in his county, and shall arrest all offenders against the laws of the State, in his view or hearing, and take them before the proper court for examination or trial. He shall quell and suppress all assaults and batteries, affrays, insurrections and unlawful assemblies. He shall apprehend and commit to jail all offenders, until an examination or trial can be had.

Acts 1945, 50th Leg., vol. 2, p. 217, ch. 722

